

STATE FIRE PREVENTION COMMISSION

FIRE SERVICE STANDARDS

INTRODUCTION

The following set of Standards are dedicated to the preservation of life and property through good practices in fire protection and organization.

The Standards herein touch many lives and organizations throughout the State of Delaware and assist in maintaining reasonable and customary fire suppression with prevention and medical assistance.

The State Fire Prevention Commission is charged with maintaining and preventing the cessation of fire protection, settle grievances and/or complaints, authorizing of new or additional fire stations, confirm boundaries, enter into binding orders, throughout the State of Delaware and shall maintain it through promulgated laws of our State, and the following Standards set forth by the Fire Prevention Commission.

At this time, we the Commission, want to thank and acknowledge those that assisted the Commission in creating these Standards.

Delaware State Fire Marshal and Staff

Delaware State Fire School Management and Staff

Delaware State Volunteer Firemen's Association and Members

Delaware State Fire Prevention Commission Advisory Board

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STATE FIRE PREVENTION COMMISSION

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Jasper H. Lakey, Vice Chairman
Edward C. McCormick, Jr.
Commissioner
Gregory W. Haley, Commissioner
Clyde J. Luton, Commissioner
Robert E. Palmer, Commissioner
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RESPONSIBILITIES OF THE STATE FIRE PREVENTION COMMISSION

A. Relative to Commission and Office of State Fire Marshal (16 Delaware Code 6601 - 6612). See Appendix A

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The Commission shall:

1. Select a Chairman and Vice Chairman from among its members.
2. Hold regular meetings once per month.
3. Hold special meetings when called by the Chairman, Vice-Chairman, in the absence of the Chairman, or by three members of the Committee.
4. Have the power to promulgate, amend, and repeal regulations for the safeguarding of life and property from the hazards of fire and explosion.
5. Hold a public hearing on each regulation, amendments, or repealer.
6. Have the power to summon witnesses and administer oaths.
7. Appoint the State Fire Marshal for a term of 4 years.
8. Set the salary of the State Fire Marshal.
9. Fill an unexpired term when a vacancy exists in the position of State Fire Marshal.
10. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by the State Fire Marshal, based on the enforcement of the State Fire Code.
11. Hear and decide requests for special exceptions or

interpretations of any regulation upon appeal.

12. Be allowed to authorize a variance to regulations.
13. File in the Office of State Fire Marshal all decisions, authorizations or interpretations made under (10), (11), and (12) above, in writing and signed by the Chairman, within 20 days following the appeal.
14. Be empowered, along with the State Fire Marshal and the Attorney General, to institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove unlawful erection, construction, reconstruction, alteration, or use of a building, structure, or equipment in violation of the State Fire Codes.
15. Annually, transmit to the Governor a full report of its proceedings including a financial statement covering the preceding fiscal year.

B. Relative to Delaware State Fire School (16 Delaware Code 6613-6618).

The Commission shall:

1. Have complete jurisdiction over, and complete management and control of the Delaware State Fire School.
2. Have full power and authority:

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a. To make all rules and regulations necessary for the governing of said institution;

b. To appoint a Director and such Instructors, experimental helpers, secretaries and laborers as may be necessary, and to remove the same at their judgment and discretion;

c. To fix compensations and provide for payment thereof;

d. To have full management, possession and control of the lands, buildings, structures and property belonging thereto;

e. To provide for the courses of study and curriculum of the institution;

f. To make rules and regulations for the admission of trainees to said institution;

g. To visit and inspect said institution and every department thereof, and to provide for the proper keeping of accounts and records thereof;

h. To make and prepare all necessary budgets of expenditures for the enlargement, proper furnishings, maintenance, support and conduct of said institution;

i. To select and purchase all property, furniture, fixtures and paraphernalia necessary for said institution from time to time;

j. To build, construct, change, enlarge, repair and maintain

any and all buildings or structures of said institution that may at any time be necessary for said institution;

k. To purchase and acquire all lands and property necessary for same, of every nature and description whatsoever;

l. To care for and maintain the same and to do and perform every other matter or thing requisite to the proper management, maintenance, support and control of said institution.

3. Have authority to acquire real or personal property by purchase, gift or donation and have water rights; make contracts; and undertake by contract or by its agent and employees, and otherwise than by contract, and project and operate and maintain such projects.

4. Be empowered to accept grants of money or materials or property of any kind upon such terms or conditions as the grantor may impose.

5. Perform all acts and do all things necessary or convenient to carry out the powers granted above.

6. Be empowered to fix and collect admission fees and other fees that it may deem necessary to be charged for training given.

7. Employ a Director for the State Fire School and shall employ, on the recommendation of the Director, such other Instructors, helpers, secretaries, and laborers as may be necessary.

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8. Have the power to prescribe and make the necessary rules and regulations for the use of the buildings, equipment and other facilities when they are not in use for the purpose set forth.

9. Consult the Advisory Board on any Fire School matters whether administrative or technical and receive recommendations thereon.

C. Relative to authorization of new fire companies, resolution of boundary and other disputes, and cessation of necessary fire protection services (16 Delaware 6619).

The Commission shall:

1. Be empowered to promulgate, amend, and repeal regulations related to the exercise of Commission powers and responsibilities defined below.

2. With the exception of cities with a population greater than 50,000.

a. Determine whether new fire companies or substations shall be authorized;

b. Have authority to prohibit the suspension of fire protection services.

3. Have authority to confirm the established geographical boundaries of areas served by all existing fire companies and to resolve boundary disputes.

4. Have authority to enter binding orders resolving disputes or grievances within or between fire companies.

5. Within its discretion bring an action in the Court of Chancery to temporarily restrain or enjoin any act or practice which constitutes a violation of an order of the Commission.

D. With respect to reports from insurance companies.

The Commission shall:

1. Accept reports on fire losses from insurance companies on forms provided by the Commission.

2. Within its discretion, provide, with the approval of the Attorney General's Office, a written report to a person of the result of investigation of fire or explosion.

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6619. State Fire Prevention Commission - Powers to Authorize New Fire Companies and Substations; Resolve Boundary and Other Disputes; Prohibit Cessation of Necessary Fire Protection Services.

(a) The State Fire Prevention Commission with the advice of the Advisory Board, is empowered to promulgate, amend and repeal regulations related to the exercise of Commission powers and responsibilities defined in this section.

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(1) Except as provided in subsection (c) of this section, the Commission shall determine whether any new fire companies or substations shall be authorized in any part of the State. In making such determination the Commission shall consider among other things the ability, financial or otherwise, of the company seeking authorization to maintain an effective fire company and the fire protection needs of the area involved. The Commission, however, shall not authorize the establishment of a new fire company within four miles of an existing fire company unless the Commission determines that an existing company is not reasonably equipped, manned, organized, financed or disciplined to deliver, or is not actually delivering, adequate fire protection in accordance with recognized safety standards to the area it serves.

(2) Except as provided in subsection (c) of this section, the Commission shall have authority to prohibit the suspension of fire protection services in this State by any fire company or substation thereof when the ability, financial or otherwise, of the company or substation seeking to suspend such service does not warrant such suspension. In making this determination the Commission shall consider, among other things, the fire protection needs of the area involved, whether the company or substation seeking to suspend fire protection services is inadequately financed, equipped, manned, organized or disciplined, and whether a new fire company should be

authorized to deliver fire protection services to the area.

(3) The Commission shall have authority to confirm the established geographical boundaries of areas served by all existing fire companies in the State and to resolve boundary disputes between or among such fire companies.

(4) The Commission shall have authority to enter binding orders resolving disputes or grievances within or between or among such fire companies.

(b) The Delaware Volunteer Firemen's Association shall designate from its members a nine member Advisory Board to advise and make recommendations to the State Fire Prevention Commission in connection with the Commission's responsibilities under this section. The Advisory Board shall consist of the President, First Vice President, Second Vice President and the six members of the Board of Directors, excluding the immediate past President who serves as a Commissioner, of the Delaware Volunteer Firemen's Association.

(c) Subsections (a)(1) and (a)(2) of this Section shall not be applied with respect to any fire company in municipalities with a population greater than 50,000 as established in the official 1980 federal census.

Section 1.1 Purpose

1.1-1 This regulation establishes the procedures for the State Fire Prevention Commission's exercise of

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its powers under 16 Del. C. Ch. 66. This regulation sets forth the manner in which the Commission shall review questions pertaining to the delivery of adequate fire protection services in this State, including, but not limited to, questions concerning the authorization of new fire companies and substations, the cessation of fire protection services by a fire company or substation and the resolution of boundary and other disputes between fire companies. The Commission expressly reserves the right to dismiss any grievance or complaint on its own motion if it deems such grievance or complaint to be insubstantial.

Section 2.1 Definitions

2.1-1 Delaware Volunteer Firemen's Association (D.V.F.A.)

2.1-2 County Firemen's Association (C.F.A.)

New Castle County Volunteer Firemen's Association

Kent County Volunteer Firemen's Association

Sussex County Volunteer Firemen's Association

2.1-3 **Fire Company**

An organization organized and equipped to provide fire suppression, and Authorized by the State Fire Prevention Commission.

2.1-4 **Substation**

A fire station operated and controlled by a fire company at a location remote from its main station and Authorized by the State Fire Prevention Commission.

2.1-5 **Fire Company Member**

This term shall refer to any individual maintained on the membership rolls of a fire company in this State and any individual whose membership is terminated for any reason from such a company less than 60 days before the filing of a Grievance under Section 4.1 of this Regulation.

2.1-6 **Findings-Results** This term shall refer to the results of the CFA or the DVFA evaluation of the grievance. Findings shall be in brief written form supplied to the grieving parties and the Commission, and if the Grievance was;

A. Settled B. Not Settled

2.1-7 et seq. (other)

Section 3.1 Public Complaints

3.1-1 Any individual, group, organization, association, corporation, government agency or other governmental unit (hereinafter referred to as complainant) having a dispute or complaint, must present such complaint or dispute in writing to the company's President, Chief, or Board of Directors. A copy of this complaint shall be forwarded to the commission within 10 days.

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3.1-2 If the matter cannot be resolved on the company level within 60 days after such presentation, then the complainant may request that the Commission review the matter by submitting the complaint to the Commission setting forth in writing, on a form that may be secured from the Commission, the facts requiring the Commission's review.

3.1-3 If the Commission determines that the review of the complaint is warranted, then the Chairman shall set the matter for an informal fact-finding or public hearing within 45 days from the date of the complaint's receipt. All such hearings shall conform insofar as is practicable to the methods and procedures set forth in Subchapter III of the Administrative Procedures Act, 29 Del. C. Ch. 101. In any event, the Commission shall enter a decision or final order within 60 days from the conclusion of such hearing.

3.1-4 No member, or past member of a fire company may file a complaint under this Section concerning facts or circumstances which occurred during the period of his membership with a fire company and was related to the activities of such company. Members of fire companies are to seek the resolution of fire protection and ambulance disputes through the procedures established in section 4.1.

3.1-5 The Commission may, after 3.1-2, appoint from its members, a Commissioner to assist parties in arbitrating a grievance. All parties must request and agree to this step

in writing. This is an option of the parties concerned. If a hearing cannot be made, the hearing shall be held on or before 7/16/96.

A. General Guidelines

(a) This process will be with parties concerned only the President, Secretary or Chief and the grieving party may attend.

(b) It will be informal, at a State Office Building.

(c) No record will be made, no notes, no tape recordings.

(d) Legal Counsel will not be permitted.

(e) If the problem in question is solved, a signed release withdrawing the grievance will complete this process.

Section 4.1 Procedures Involving a Grievance Between:

a. A fire company member and/or members which impacts public safety.

NOTE: For the purpose of this regulation, Ladies Auxiliaries, whether incorporated as part of a fire company or not, shall be considered fire company members and fall under this section of the regulation.)

b. Two fire companies concerning an issue under the authority of the Fire Commission.

c. Two or more fire companies concerning boundary disputes.

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4.1-1 Upon receipt of a grievance involving any of the grievances listed in Section 4.1, the following procedure shall be followed;

4.1-2 At its regularly scheduled meeting, the Commission shall review the grievance for the purpose of determining its merits. Grievances may be dismissed at this time by the Commission on its own motion if the Commission determines that the grievance lacks substance, merit or compliance with Section 4.1.

4.1-3 Acceptance of the grievance by the Commission will result in the following actions;

A. Copies of the grievance immediately sent to all parties involved accompanied by a letter from the Commission requesting immediate attention and attempts to resolve. Within 60 days receipt of letter, the following is required from each party;

1. A letter signed by the grievant or both the President and Chief of the grievant fire company AND both the President and Chief of the fire company involved, identifying that the grievance has been resolved

OR

2. A letter identifying each party's position on the grievance along with either;

a. Their acceptance of mediation as identified within 4.1-4 a,b,c, and d

OR

b. Their desire to skip this section, immediately moving to Section 4.1-5.

(NOTE: Considering the time and resources which stand to be spent in mediation, the intent of this subsection is to require "Up Front" acknowledgment and acceptance of the mediation process by both parties.

B. Commission's letter will also clearly identify the potential consequences involved as a result of the grievance, specifically emphasizing the responsibilities and potential consequences to those presenting the grievance.

C. Commission shall take whatever actions may be practical during this 60 day time period for the purpose of fact finding or investigating the grievance in order to further substantiate validity.

4.1-4 A four member mediation team consisting of two from the originating county and one from each other county shall be immediately assigned from the Delaware Volunteer Firemen's Association (DVFA) mediation group. Within 60 days of assignment, this team shall be responsible for meeting with all parties for the purpose of mediating a settlement to the grievance. The following procedures shall apply to meetings of all parties;

A. All proceedings are to be informal with representation limited

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to a maximum of three individuals,
not including witnesses,

representing the grievant and three
fire company members.

B. No legal repre 7/16/96 to
be present.

C. Notes are permissible and may
be referenced to form future
opinions. Summaries of each
mediation meeting including facts
provided and major points presented
shall be required to be submitted to
the Commission at the conclusion of
the mediation process if mediation
efforts are unsuccessful.

D. Proceedings shall be
documented as to the date, time,
those in attendance and the facts as
presented to the mediation team.

(NOTE: As identified in Section 4-
1.3, failure by any party to agree
to all elements of this mediation
process shall result in by-passing
Section 4.1-4 and moving directly to
4.1-5.)

There are three possible outcomes
from the above mediation process;

1) Mediation efforts are
successful which requires a single
written document identifying all
facts of the agreement and signed by
the grievant or both the President
and Chief of the grievant fire
company **AND** both the President and
Chief of the fire company involved.

2) Mediation efforts are
unsuccessful with the
recommendations provided to the
Commission by the mediation team

based on the facts identified during
hearing(s).

3) Mediation efforts are
unsuccessful with no recommendations
from the mediation team.
7/16/96

4.1-5 If the grievance cannot be
resolved through the mediation
process outlined in Section 4.1-4,
the Commission shall schedule, at
its next available regularly
scheduled meeting, a review of the
grievance through either:

a) An informal fact-finding
hearing in which the facts s
developed in the course of applying
Sections 4.1-3 and 4.1-4 are
considered

OR

b) A formal hearing at
which time previously developed
facts as well as direct testimony
and evidence will be considered.

Section 4.2 Extensions

4.2-1 The Commission may grant
extensions of time to the mediation
team from the time limits
established in Sections 4.1-3 and
4.1-4 if the circumstances warrant
no prejudice results to the parties
involved.

Section 4.3 Waivers

4.3-1 The Commission may waive the
procedures set forth in Sections 4.1
whenever it determines that public
safety or the good of the fire
service is in jeopardy. Whenever

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such a determination is made, the Commission shall issue a written statement identifying the reasons for its action. Once this action has been taken, the Commission shall

take whatever actions it deems necessary, consistent with its statutory authority.

Section 5.1 Arbitration Team & Policy

5.1-1 An arbitration team shall be appointed by the evaluating Association and such team shall consist of three or more members.

5.1-2 All proceedings conducted by the arbitration team shall be documented with regard to date, time, and those in attendance.

5.1-3 All information obtained will be restricted to the Arbitration Team until such meetings have been concluded. The findings shall be forwarded to the Grieved parties and the State Fire Prevention Commission.

5.1-4 If assistance is needed by the County Association or the State Association, the State Fire Prevention Commission may be contacted through the Commission Chairman to act upon the request.

5.1-5 At no time shall any Commissioner interfere with any arbitration.

Section 6.1 Grievance Form

See Attachment.

Minimum Requirements for the Establishment of New Fire Companies

Section 1 General Requirements

1.1 Any person or persons, group or organization desiring to establish a new fire company within the State of Delaware shall immediately advise the Commission of their intent by letter.

1.2 The Commission shall, upon receipt of the notification, send a copy of these Regulations to the person or persons, group or organization and shall advise them of a date to appear before the Commission.

A. The Commission will notify existing fire companies serving an area when a petition is filed for a new fire department in that area.

1.3 All sections of these Regulations shall be complied with before final approval will be given.

1.4 Existing fire companies serving the proposed district shall continue to serve the district until the new company receives probational approval.

1.5 It is necessary for the person or persons, group or organization, or municipalities desiring to form a new fire company to follow certain

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steps in complying with these Regulations. The steps to be followed are:

Commission will authorize the fire company to be placed on permanent status. The Commission Advisory

A. Compliance with Section 2 - Location of fire department and district to be served.

Board may advise and make recommendations at any time during this process.

B. Compliance with Sections 3, 4, and 5 - Constitution 7/16/96 members, financial backing and responsibility.

Section 2 Location of Fire Department & District to be served

C. Compliance with Sections 6, 7, 8, 9, and 10 - Training, fire station construction, submittal of plans, communications, alarm receiving, alerting equipment, and equipment.

2.1 The Commission shall not authorize the establishment of a new fire company within four miles of any existing fire company or companies unless the Commission determines that an existing fire company is not reasonably equipped, manned, organized, financed, disciplined to deliver, or is not actually delivering adequate fire protection in accordance with recognized safety standards to the area it serves. Title 16, Chapter 66, Section 6619.

Upon compliance with 1.5 (a) the Commission will establish the need for a fire company in the area and may authorize the person or persons, group or organization, or municipalities the right to proceed to step 1.5 (b).

2.2 The Commission shall determine whether any new fire companies shall be authorized in any part of the state. In making such determination the Commission shall consider among things the ability, financial, or otherwise of the company seeking authorization to maintain an effective fire company and fire protection needs of the area involved. Title 16, Chapter 66, Section 6619.

Upon compliance with 1.5 (b) the Commission will grant approval of an administrative organization and will authorize the organization the right to proceed to step 1.5 (c).

Upon compliance with step 1.5 (c) the commission will authorize a one-year probational approval for the fire company and will determine that a fire company has been established to serve the area outlined in Section 2.

2.3 The location of fire stations shall be selected, taking into account the location of high life hazards, concentrations of values, topographical conditions, bridges, man-made barriers such as railways or limited access highways, traffic congestion, the number and extent of

1.6 At the end of the one-year probational period, the fire company will be judged on its performance, financial ability, members, training, and equipment. If all is judged to be satisfactory, the

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runs, and the availability of department members.

d. membership requirements;

2.4 A certified plot plan showing the proposed location of the station shall be submitted to the Commission for approval.

e. list of charter members (name, address, & social security number);

2.5 A map and narrative description showing the proposed district to be served shall be submitted to the Commission for approval.

f. officers (to include President, Vice President, Secretary, Treasurer, Directors, Chief, 1st and 2nd Assistant Chiefs, and Fire Recorder);

2.6 Written agreements with all existing, bordering fire companies shall be submitted to the Commission. Such agreements shall outline the areas served by the existing fire companies that will be allocated to the proposed fire company. The agreement shall be signed by the President, Secretary, and Chief of the existing companies in the presence of a notary public. His seal shall be affixed to the agreement.

g. duties of Officers;

h. meetings;

i. house rules;

j. elections;

k. dues;

l. order of business.

Section 3 Constitution & Bylaws

Section 4 Members

3.1 A proposed constitution and bylaws shall be submitted to the Commission for approval.

4.1 There shall be at least twenty-five active fire fighting members.

3.2 The constitution and bylaws shall include, but not be limited to the following:

4.2 The members mentioned above must live in the district served by the company for at least one year immediately preceding the application.

a. name of the fire company;

Section 5 Financial backing & responsibility

b. address;

5.1 The proposed fire company shall submit to the Commission bank statements, financial reports, notarized letters of financial backing, and any other information

c. incorporation by the State of Delaware;

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required to establish whether the company has the financial means and backing to acquire property, buildings, training, and equipment

provided by the Delaware State Fire School prior to certification. (or equivalent approved by the Commission).

to provide adequate fire protection in accordance with recognized safety standards to the area it serves and maintain an effective fire company for the fire protection needs of the area involved.

5.2 An annual financial statement and reports of training shall be submitted to the Commission no later than three (3) months after the close of the fire company's first fiscal year and the following two consecutive years.

5.3 Annual Inventory reports shall be submitted in a manner prescribed by the Commission.

Section 6 Training

6.1 Twenty-five members mentioned in Section 4 shall have completed Basic Firefighting Skills & Structural Firefighting Skills as provided by the Delaware State Fire School, (or equivalent approved by the Commission) prior to certification.

6.2 The Chief shall have completed the Incident Management level of training as provided by the Delaware State Fire School, (or equivalent approved by the Commission) prior to certification.

6.3 At least four members, in addition to completing the forty-eight hours mentioned above (Section 6.1) shall have completed twenty-four hours of Pump School as

6.4 All active members shall receive at least twenty-four hours of approved additional training the first two years. (Delaware State Fire School/In-Service)

6.5 All operators of Fire Apparatus shall have an Emergency Vehicle License, and Commercial or, Non Commercial Drivers License, as required by the State of Delaware.

Section 7 Fire station construction & submittal of plans

7.1 The fire station shall be of adequate size to provide space for at least three (3) pieces of apparatus. At least two pieces of apparatus shall have direct access to the street so it will not be necessary to remove one vehicle to permit a second vehicle to respond.

7.2 The fire station shall be of fire resistive or non-combustible construction in accordance with any and all building codes and zoning requirements within the local jurisdiction.

7.3 The station shall be equipped with an emergency power supply as approved by the Commission.

7.4 Preliminary and final plans, specifications, etc., shall be submitted to the Commission for approval before work is started.

7.5 A pre-existing building may be approved, providing it meets the

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standards and requirements set forth in this Section. Preliminary and final plans must still be submitted and approved by the Commission.

approved items: helmets, bunker coat, bunker pants, boots, gloves, and eye protection. NFPA No. 1971, 1972, 1973 & 1974 in compliance with Appendix D

Section 8 Communications

8.1 The Fire Department shall maintain a base radio station that is compatible with existing County Dispatch Center.

8.2 Each piece of apparatus shall be equipped with a mobile radio which is compatible with the existing County Dispatch Center.

8.3 A copy of the Federal Communication Commission license shall be sent to the Commission.

Section 9 Alarm receiving & alerting equipment

9.1 The fire emergency phone shall be on a private phone line direct to the County call board/dispatching center.

9.2 Fire alerting equipment shall be sirens, and or tone activated radio receiving equipment.

9.3 Fire alerting equipment shall be tested according to county policy.

Section 10 Equipment

10.1 Personal protection

10.1.1 There shall be a minimum of twenty-five sets of running gear. Running gear shall include, but not be limited to, the following

10.2 Fire apparatus

10.2.1 Two pieces of pumping apparatus purchased shall conform to the provisions outlined in appropriate Chapters of NFPA No. 1901.

10.2.2 One piece of pumping apparatus, less than two years old from date of most recent Manufactures Certification of Hydrostatic Test, shall be provided. The apparatus shall conform to Sections 10.2 - 10.6 of these regulations. The second piece shall be certified as per 10.3-3 in the last 10 years.

10.3 Pump

10.3.1 The pump shall be capable of delivering a minimum of 750 GPM at 150 PSI net pump pressure. Reference in the appropriate Chapter of NFPA No. 1901.

10.3.2 The pump shall conform to the provisions in the appropriate of Chapter of NFPA No. 1901, in regards to design and performance requirements, construction requirements, operating controls and devices, and acceptance requirements.

10.3.3 Pump Certification, as referenced in 10.2-2 shall consist

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of either: copies of the manufacturer's run-in certification, pump manufacturer's certification of hydrostatic test, or by a third party approved by the Commission.

10.4 Water carrying capacity

10.4.1 If the area to be served by the Company has an approved municipal or private water system throughout the district, at least one apparatus shall be capable of carrying 500 gallons of water.

10.4.2 If the area to be served is rural, with no water system, at least one apparatus shall be capable of carrying 1,000 gallons of water.

10.4.3 Water tanks shall conform to the provisions the appropriate section of NFPA No. 1901, in regards to tank construction and tank connections.

10.5 Hose compartments

10.5.1 Hose compartments shall be provided to carry not less than 55 Cubic Feet of 2 1/2 inch double jacket, rubber lined hose and 400 feet of 1 1/2 inch double jacket, rubber lined hose (equal or better).

10.5.2 Provisions shall be made so that at least two 1 1/2 inch line are pre-connected with at least 200 feet minimum (equal or better).

10.5.3 Hose compartments shall conform to NFPA No. 1901 (equal or better).

10.6 Equipment to be carried on combination of apparatus

10.6.1 a) 1 - 14 ft. ladder with folding hooks on each apparatus.

b) 2 - fire department ladders. One to extend 24 ft. on

one apparatus and one folding 10 ft. on the other apparatus.

c) 2 - axes, 1 pick head and 1 flat head type on each apparatus.

d) 2 - Portable hand lights.

e) 2 - approved portable fire extinguisher Ref. appropriate section of NFPA No. 1901, on each apparatus.

f) 2 - pike poles or plaster hook, 6 ft. and 8 ft. minimum on each apparatus.

g) 1 - swivel connection with suction hose thread on end and local large hydrant thread on the other end on each apparatus. (If no hydrants in the district, threads shall conform to nearest hydrants).

h) 1 - swivel connection with pump suction thread on one end and local 2 1/2 inch on the other end on each apparatus.

i) 1 - metal strainer of adequate capacity for suction hose on each apparatus.

j) 15 feet minimum of hard or soft (determined by company)

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suction hose, 30 ft. in rural areas on each piece of apparatus.

k) 1200 ft. of 2 1/2 inch or larger supply line capable of 600 PSI with national standard or accepted couplings or hose meeting NFPA standards, NFPA 1961, on each apparatus.

l) 400 ft. of 1 1/2, 1 3/4, or 2 inch or larger hand line capable of 600 PSI with national standard or accepted couplings or hose meeting NFPA standards, NFPA 1961, on each apparatus.

m) 1 - Water Extinguisher w/bracket.

n) 2 - 1 1/2 inch shut off nozzle capable of discharging at least 95 GPM in both a fog and straight stream on each piece of apparatus.

o) 1 - 2 1/2 inch shut off nozzle capable of discharging at least 200 GPM in both a fog and straight stream on each piece of apparatus.

p) 1 - playpipe, threads 2 1/2 inch standard at hose end and 1 1/2 inch standard for nozzle tips with shut off nozzles and not less than 1 inch smooth bore tips on each end on each piece of apparatus.

q) 4 - combination spanner wrenches for 1 1/2 and 2 1/2 inch hose couplings on each piece of apparatus.

r) 2 - adjustable hydrant wrenches on each piece of apparatus.

s) 1 - 2 1/2 inch double female connection on each piece of apparatus.

t) 1 - 2 1/2 inch double male connection on each piece of apparatus.

u) 1 - claw tool on each piece of apparatus.

v) 1 - crowbar, 36 inch on each piece of apparatus.

w) 1 - 2 1/2 inch siamese, with clapper valves on each piece of apparatus.

x) 1 - 2 1/2 inch wye on each piece of apparatus.

y) 1 - wye reducer, 2 1/2 inch female x 1 1/2 male x 1 1/2 inch male on each piece of apparatus.

z) 1 - 2 1/2 inch single gate or ball valve on each piece of apparatus.

aa) 1 - first aid kit, 24 unit fire department assortment on each piece of apparatus.

bb) 2 - salvage covers, 12 x 14 ft. on either piece of apparatus.

cc) 3 - sprinkler stoppers or wedges on each piece of apparatus.

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dd) 1 - broom on each piece of apparatus.

ee) 1 - scoop shovel on each piece of apparatus.

ff) 3 - hose straps or belts on each piece of apparatus.

gg) 1 - hose clamp on each piece of apparatus.

hh) 125 ft. of manila rope, 5/8 inch diameter on each piece of apparatus.

ii) 1 - hose jacket for 2 1/2 inch hose optional on either piece of apparatus.

jj) 4 - Self-contained breathing apparatus. (30-minute) NIOSH approved on each piece of apparatus. In compliance with NFPA 1981.

kk) 4 - spare bottles for breathing apparatus. (30-minute) NIOSH approved on each piece of apparatus. In compliance with NFPA 1981.

ll) 1 - blanket on each piece of apparatus.

mm) 1 - distributing nozzle (cellar nozzle) optional on either piece of apparatus.

nn) 1 - set of adapters to make connection between national standard thread and thread of surrounding companies (may be waived) optional on either piece of apparatus.

oo) 1 - generator, 2.5 KW on either piece of apparatus.

pp) 1 - smoke ejector, 5,000 CFM on either piece of apparatus.

qq) 200 ft. 12-3 electric cable with locking type connectors on each piece of apparatus.

rr) 1 - Rubber mallet suitable for use on suction hose connections.

ss) 2 - Wheel chocks mounted readily accessible location.

10.6.2 All equipment shall be equal to or better than that listed above.

10.6.3 Fire company requests for waivers for certain equipment will be considered.

Minimum Requirements of
the Establishment
Fire Companies and Sub
Stations

Section 1 General requirements

1.1 Fire companies desiring to establish a new substation and/or additional station within the State of Delaware shall immediately advise the Commission of their intent by letter.

1.2 The Commission shall, upon receipt of the notification, send a copy of these regulations to the fire company and the bordering companies and shall advise them of a date to appear before the Commission.

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1.3 It is necessary for the fire company desiring to form a new substation and/or additional station to follow certain steps to comply with these regulations. The steps to be followed are:

a. Compliance with Section 2 - Authorization of substation and/or additional station.

b. Compliance with 3, 4, 5, 6, and 7 - Fire station construction and submittal of plans, Communications and alarm receiving and alerting equipment, Equipment, ambulance/rescue apparatus, and Waivers.

1.4 Temporary/emergency fire station

1.4.1 The Commission may waive the procedures set forth herein whenever it determines that the health and safety of the public or the good of the Fire Service in general requires such a waiver.

Section 2 Authorization of substation and/or additional station

2.1 The Commission shall determine whether any new substation and/or additional station shall be authorized in any part of the State. In making such determination, the Commission shall consider among things the ability, financial or otherwise, of the company seeking authorization to maintain an effective fire company and fire protection needs of the area

involved. Title 16, Chapter 66, Section 6619.

2.2 The location of the substation and/or additional station shall be selected, taking into account the location of high life hazards, concentrations of values, topographical conditions, bridges, man-made barriers such as railways or limited access highways, traffic congestion, the number and extent of urns, and the availability of department members.

2.3 A certified plot plan showing the proposed location of the station shall be submitted to the Commission for approval.

Section 3 Fire station construction and submittal of plans

3.1 The substation and/or additional station shall be of adequate size to provide space for at least two pieces of apparatus.

3.2 The substation and/or additional station within existing district shall be of fire resistive or non-combustible construction in accordance with any and all building codes and zoning requirements within the local jurisdiction.

3.3 The substation and/or additional station shall be equipped with an emergency power supply as approved by the Commission.

3.4 Preliminary and final plans, specifications, etc., shall be submitted to the Commission for approval before work is started.

3.5 A pre-existing building may be approved, providing it meets the

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standards and requirements set forth in this Section. Preliminary and final plans must still be submitted and approved by the Commission.

Section 4 Communications and alarm receiving and alerting equipment

4.1 The fire emergency phone shall be on a private phone line direct to the County call board/dispatching center.

4.2 Fire alerting equipment shall be sirens, and or tone activated radio receiving equipment.

4.3 Fire alerting equipment shall be tested according to county policy.

Section 5 Equipment

Personal protection

5.1.1 There shall be a minimum of fifteen sets of running gear. Running gear shall include, but not be limited to, the following approved items: helmet, bunker coat, bunker pants, boots, gloves, and eye protection. NFPA No. 1971, 1972, 1973, 1974.

5.2 Fire apparatus

5.2.1 The fire apparatus shall be that which meets the needs of the requesting company and with the approval of the Commission.

5.2.2 All apparatus shall conform to the provisions outlined in the Appropriate Chapters of NFPA No. 1901. If pumping apparatus is provided, Section 10.3 shall be complied with.

Section 6 Ambulance/rescue apparatus

6.1 All ambulances shall comply with Commission Regulations.

6.2 All rescue apparatus shall comply with Delaware State Volunteer Firemen's Association Requirements.

6.3 All ambulance and/or rescue apparatus shall be equipped with a Mobil Radio which is capable with existing County Dispatch Center.

Section 7 Waivers

7.1 Fire company requests for waivers for certain equipment will be considered.

7.2 Consideration will be given to the requesting company to move equipment as needed.

APPENDIX A

TITLE 16

Health and Safety

PART VI

Safety

CHAPTER 66. FIRE

PREVENTION

6601 State Fire Prevention Commission - Appointment; qualifications; cause for removal; term of office; members to serve without compensation.

(a) The State Fire Prevention Commission shall consist of 7 persons who shall be qualified by experience and training to deal with the matters which are the

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responsibilities of the Commission. Three members of the Commission shall be appointed by the Governor and shall be representatives of industry from New Castle County, Kent County and Sussex County. Three members, 1 from each county, shall be members of paid or volunteer fire companies and shall be appointed by the Governor and shall be representatives of industry from New Castle County, Kent County and Sussex County. Three members, 1 from each county, shall be members of

paid or volunteer fire companies and shall be appointed by the Governor from a list of 3 names of members in good standing submitted by the Volunteer Firemen's Association of the county in which a vacancy exists. The seventh member of the Commission shall be the immediate past President of the State Volunteer Firemen's Association and shall be appointed by the Governor.

(b) Members may be removed by the Governor for continued neglect of the duties required by this chapter, or for refusal to act, misconduct, incompetency or other sufficient cause.

(c) Members of the Commission shall be appointed to serve for 6-year terms, but no member may be appointed to more than 2 successive full terms. Succeeding appointments shall be made, and any vacancy on the Commission shall be filled for the duration of the term, in the same manner as the prior appointment.

(d) Members shall serve without compensation but shall be reimbursed for their actual and

necessary expenses incurred in the performance of their duties. (16 Del. C. 1953, ~ 6601; 49 Del. Laws, c. 335; 52 Del. Laws, c. 5, ~ 1; 63 Del. Laws, c. 381, ~ 1.)

6602 Same - organization and meetings.

(a) The State Fire Prevention Commission shall select a Chairman and Vice Chairman from among its members and shall hold regular

meetings at least once a month. Special meetings may be called by the Chairman, by the Vice Chairman in the absence of the Chairman or by 3 members of the Commission.

(b) No business shall be transacted by the State Fire Prevention Commission in the absence of a quorum which shall be 4 members, 1 of which must be the Chairman or Vice Chairman. (16 Del. C. 1953, ~ 6602; 49 Del. Laws, c. 335; 52 Del. Laws, c. 5, ~ 1; 63 Del. Laws, c. 381, ~ 2.)

6603 Same - Promulgation of regulations.

The State Fire Prevention Commission shall have the power to promulgate, amend, and repeal regulations for the safeguarding of life and property from the hazards of fire and explosion. Such regulations, amendments or repealers shall be in accordance with standard safe practice as embodied in widely recognized standards of good practice for fire prevention and fire protection and shall have the force and effect of law in the several counties, cities and

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political subdivisions of the State. Wherever such regulations and amendments require the issuance of permits or licenses, the Commission is authorized to issue such permits or licenses according to the provisions and schedules in Section 6607 of this Title. Such regulations and amendments shall not apply to existing installations, plants, or equipment unless the State Fire Prevention Commission has duly found that the continuation

local regulation are more stringent or impose higher standards than are required by any regulations promulgated under this chapter, such statute or local regulation shall govern, provided they are not inconsistent with the State Code and are not contrary to recognized standards and good engineering practices. (16 Del. C. 1953, ~ 6603; 49 Del. Laws, c. 335; 52 Del. Laws, c. 5, ~ 1; 57 Del. Laws, c. 672; 57 Del. Laws, c. 727.)

thereof constitutes a hazard so inimicable to the public welfare and safety as to require correction; nor shall such regulations and amendments limit or prohibit the shipment, transportation, handling or storage incident to transportation of any explosive, combustible or other dangerous article in solid, liquid or gas form by rail, water or highway, when such articles are in conformity with regulations of the Interstate Commerce Commission; nor shall such regulations, insofar as they purport to prohibit the sale, purchase or domestic use of gasoline, kerosene, or other fuel burning home appliances for heating or cooking apply to any person whose personal faith or belief prevents the use of any alternative heating or cooking appliance recommended by the State Fire Prevention Commission, the burden of proof is upon the person claiming relief from such regulation. In their interpretation and application the regulations promulgated under this chapter shall be held to be the minimum requirements for the safeguarding of life and property from the hazards of fire and explosion. Whenever the provisions of any other statute or

6604 Same - Public hearing and notices.

Prior to the promulgation, amendment or repeal of any regulation, the State Fire Prevention Commission shall hold at least 1 public hearing on each regulation, amendment or repealer to be separately submitted, notice of which hearing shall be published 15 days before the date of the hearing in a newspaper or newspapers of general circulation throughout the State. A copy of such notice shall be sent at the same time to every person, firm or corporation who shall have registered with the State Fire Prevention Commission a request newspaper or newspapers of general circulation throughout the State. A copy of such notice shall be sent at the same time to every person, firm or corporation who shall have registered with the State Fire Prevention Commission a request to be so notified. The notice shall contain the time and place of hearing, subjects to be discussed, and shall specify the place and times at which the proposed regulation, amendment or repealer may be examined. (16 Del. C. 1953, ~

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6604; 49 Del. Laws, c. 335; 52 Del. Laws, c. 5, ~ 1.)

6605 Same - Powers in conduct of public hearing.

For the purpose of any public hearing or inquiry made under this chapter, the Commission or any subcommittee of the Commission shall have the power to summon witnesses and documents and administer oaths for the purpose of giving testimony,

and issue orders requiring strict compliance with the decisions made under this chapter.

6606 State Fire Marshal - Appointment; term; salary

(a) The office of State Fire Marshal is established. The State Fire Prevention Commission shall appoint a person qualified by his previous training and experience in endeavors similar to those herein prescribed as State Fire Marshal. The State Fire Marshal shall be a citizen of this State and a resident for at least five years prior to his appointment. He shall receive such salary as may be set by the Commission within the limits set by the annual appropriation to the Commission. He shall devote his whole time to the duties of his office. Whenever a vacancy shall occur in the office of State Fire Marshal for any reason other than the expiration of a term, the vacancy shall be filled by the State Fire Prevention Commission for the balance of the unexpired term. The office of the State Fire Marshal shall be located at the State

Capitol in quarters provided by the State.

(b) The State Fire Marshal shall appoint all authorized personnel pursuant to Merit System rules and regulations and administer the usual oath as required. Salaries of all personnel to include appropriate position classifications, upgrading and promotions shall be in compliance with Chapter 59 of Title 29.

(c) The Fire Marshal of any political subdivision of this State, having such an office duly created by ordinance or resolution before January 1, 1959, shall serve as an Assistant State Fire Marshal. Within the limits of the said political subdivision, he shall have exclusive jurisdiction exercising the duties and powers of the State Fire Marshal, but he shall serve without compensation.

(d) The State Fire Marshal shall employ or acquire such office and clerical employees, equipment, furniture, supplies, and paraphernalia as may be necessary for the orderly administration of his office.

(e) The State Fire Marshal, his Deputy or Deputies, and other members of his office, in addition to their salaries, shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

6607 Same - Duties & powers.

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(a) The State Fire Marshal, or his Deputy or Deputies, shall enforce all laws and ordinances of the State and the several counties, cities, and political subdivisions thereof having to do with:

(1) Prevention of fires;

(2) The storage, sale, and use of any explosive, combustible or other dangerous article in solid, liquid, or gas form;

(3) The installation and maintenance of equipment of all sorts intended for fire control, detection, and extinguishment;

(4) All decisions, authorizations, or interpretations made by the State Fire Prevention Commission hereunder shall be written and signed by the Chairman or Vice-Chairman and filed in the office of the State Fire Marshal, or his Deputy or Deputies, within 20 days following the appeal.

6610 Court review of decision of State Fire Prevention Commission; procedure.

(a) Any person jointly or severally aggrieved by any decision of the State Fire Prevention Commission made in the exercise of its appellate function under 6609 of this title or any officer, department, board or bureau of the State and the several counties, cities, and political subdivisions thereof may present to the Superior Court of the county in which the property in question or the party aggrieved, or either shall be

located or of which such party shall be a resident, a duly verified petition setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the Court within 30 days after the filing of the decision in the office of the State Fire Marshal.

(b) Upon the presentation of the petition, the Court may allow a writ of certiorari, directed to the State Fire Prevention Commission, to

review the decision of the State Fire Prevention Commission and shall prescribe therein the time within which a return thereto must be made and served upon the petitioner's attorney, which shall not be less than 10 days and may be extended by the Court.

(c) The allowance of the writ shall not stop proceedings upon the decision appealed from, but the Court may, on application, on notice to the Commission and on due cause shown, grant a restraining order.

(d) The State Fire Prevention Commission shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereon or of such portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(e) If, upon the hearing, it shall appear to the Court that

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testimony is necessary for the proper disposition of the matter, it may take evidence, or appoint a referee to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made.

(f) The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

(g) Costs shall not be allowed against the Commission unless it shall appear to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

6611 Maintenance of fire hazard, violations of regulations or chapter; enforcement; remedies and penalties.

(a) No person shall erect, construct, reconstruct, alter, maintain or use any building, structure or equipment or use any land in such a way to endanger life or property from the hazards of fire or explosion or in violation of any regulation or any provision of or any change thereof promulgated by the State Fire Prevention Commission under the authority of this chapter.

(b) Whoever knowingly violates such regulations, provisions or changes any provision of this chapter shall be fined not more than \$100 or imprisoned not more than 10 days or both.

(c) Each and every day during which such illegal erection, construction, reconstruction, alteration, maintenance or use continues after knowledge or official notice that same is illegal shall be deemed a separate offense.

(d) In case any building, structure or equipment is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used in such a way to

endanger life or property from the hazards of fire or explosion or in violation of this chapter or of any regulation or provision of any regulation or change thereof promulgated by the State Fire Prevention Commission under the authority granted by this chapter, the State Fire Prevention Commission, the State Fire Marshal or the Attorney General may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

(e) The State Fire Marshal, or his Deputy or Deputies, may make arrests of persons violating offenses under this section or of persons violating any of the laws of this State relating to fires or burning.

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(f) Justices of the peace shall have jurisdiction over offenses under this section.

6612 Annual report; financial statement; budget.

(a) The State Fire Prevention Commission shall annually, on or before the 30th day of September, transmit to the Governor a full report of its proceedings under this chapter and such statistics as it may wish to include therein. It shall also recommend any amendments to the law

which in its judgement shall be desirable.

(b) Along with the annual report, the State Fire Prevention Commission shall transmit a financial statement showing all expenditures and income of the State Fire Prevention Commission covering the preceding 12 months, starting July 1 and ending June 30.

(c) In the even numbered years the State Fire Prevention Commission shall submit to the Budget Commission a budget showing proposed expenditures for the biennium beginning July 1 next succeeding.

6613 State Fire School - location, supervision, purposes.

There is established in the Dover-Camden-Wyoming area a State institution to be known as the Delaware State Fire School. The School shall be under the supervision and control of the State

Fire Prevention Commission to effectuate the following purposes:

(1) To provide professional and volunteer firemen with needful professional instruction and training at a minimum cost to them and their employers;

(2) To develop new methods and practices of fire fighting;

(3) To provide facilities for testing fire fighting equipment;

(4) To disseminate information relative to fires, techniques of fire fighting and

other related subjects to all interested agencies and individuals throughout the State;

(5) To undertake any project and engage in any activity which in the opinion of the Fire Prevention Commission will serve to protect the public safety.

6614 Same - Commission's powers & duties.

(a) The State Fire Prevention Commission shall have complete jurisdiction over, and complete management and control of the Delaware State Fire School and is invested with full power and authority:

(1) To make all rules and regulations necessary for the governing of said institution;

(2) To appoint a Director and such Instructors, experimental helpers, secretaries and laborers as may be necessary, and to remove the

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same at their judgement and discretion;

(3) To fix compensations and provide for payment thereof;

(4) To have full management, possession and control of the lands, buildings, structures, and property belonging thereto;

(5) To provide for the courses of study and curriculum of the institution;

(6) To make rules and regulations for the admission of trainees to said institution;

(7) To visit and inspect said institution and every department thereof, and to provide for the proper keeping of accounts and records thereof;

(8) To make and prepare all necessary budgets of expenditures for the enlargement, proper furnishings, maintenance, support and conduct of said institution;

(9) To select and purchase all property, furniture, fixtures and paraphernalia necessary for said institution from time to time;

(10) To build, construct, change, enlarge, repair and maintain any and all buildings or structures of said institution that may at any time be necessary for said institution;

(11) To purchase and acquire all lands and property necessary for same, of every nature and description whatsoever;

(12) To care for and maintain the same and to do and perform every other matter or thing requisite to the proper management, maintenance, support, and control of said institution necessary or requisite to carry out fully the purpose of 6613-6618 of this title, and for raising it to and maintaining it at the proper efficiency and standard as required in the interest of public safety.

(b) The State Fire Prevention Commission, subject to

the limitations and restrictions imposed under this chapter, may:

(1) Acquire any real or personal property by purchase, gift or donation and have water rights;

(2) Make contracts and execute instruments necessary or convenient;

(3) Undertake by contract or contracts, or by its own agent and employees, and otherwise than by contract, any project or projects, and operate and maintain such projects;

(4) Accept grants of money or materials or property of any kind from a federal agency, private agency, county, city, town, corporation, partnership or individual upon such terms and conditions as the grantor may impose;

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(5) Perform all acts and do all things necessary or convenient to carry out the power granted herein.

6615 Same - School attendance fees.

The State Fire Prevention Commission may fix and collect admission fees and other fees that it may deem necessary to be charged for training given, and it is expressly provided that all such fees so collected by the Commission shall not affect the State appropriation or be deducted therefrom, but shall be so much additional moneys available for the operation and maintenance of said institution, and the said fees shall

they are not in use for the purpose set forth.

6618 Advisory Board.

The Delaware Volunteer Firemen's Association shall appoint from its members a six-man Advisory Board. Two members shall come from New Castle County, two from Kent County, and two from Sussex County. The State Fire Commission shall consult the Advisory Board on any Fire School matters whether administrative or technical and receive recommendations thereon.

be paid to the State Treasury for accounting and deposit in a special fund in the State Treasury.

6616 Same - Director and employees.

The State Fire Prevention Commission shall employ a Director for the State Fire School who shall be especially trained and qualified in fire fighting and fire experimental work and shall employ, on the recommendations of said Director, such other Instructors, experimental helpers, secretaries and laborers as may be necessary to the proper conduct of said institution and may proceed with the erection and detailed operation of said institution.

6617 Same - Buildings & equipment.

The State Fire Prevention Commission shall have the power to prescribe and shall make the necessary rules and regulations for the use of the buildings, equipment and other facilities of the institution when

6619 Power of Commission to authorize new fire companies or substations; resolve boundary and other disputes; prohibit cessation of necessary fire protection services.

(a) The State Fire Prevention Commission, with the advice of the Advisory Board, is empowered to promulgate, amend and repeal regulations related to the exercise of Commission powers and responsibilities defined in this section.

(1) Except as provided in subsection (c) of this section, the Commission shall determine whether any new fire companies or substations shall be authorized in any part of the State. In making such determination the Commission shall consider among other things the ability, financial or otherwise, of the company seeking authorization to maintain an effective fire company and the fire protection needs of the area involved. The

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Commission, however, shall not authorize the establishment of a new fire company within four miles of an existing fire company unless the Commission determines that an existing company is not reasonably equipped, manned, organized, financed or disciplined to deliver, or is not actually delivering, adequate fire protection in accordance with recognized safety standards to the area it serves.

(2) Except as provided in subsection (c) of this section, the Commission shall have authority to prohibit the suspension of fire protection services in this state by

any fire company or substation thereof when the ability, financial or otherwise, of the company or substation seeking to suspend such services does not warrant such suspension. In making this determination the Commission shall consider, among other things, the fire protection needs of the area involved, whether the company or substation seeking to suspend fire protection services is inadequately financed, equipped, manned, organized or disciplined, and whether a new fire company should be authorized to deliver fire protection services to the area.

(3) The Commission shall have authority, acting on behalf of the State, to enter into agreements to confirm the established geographical boundaries of areas served by all existing fire companies in the State and to resolve boundary disputes between or among such fire companies.

(4) The Commission shall have authority to enter binding orders resolving disputes or grievances within or between fire companies.

(b) The Delaware Volunteer Firemen's Association shall designate from its members a nine-member Advisory Board to advise and make recommendations to the State Fire Prevention Commission in connection with the Commission's responsibilities under this section. The Advisory Board shall consist of the President, First Vice-President, Second Vice-President and the six members of the Board of Directors,

excluding the immediate past President who serves as a Commissioner, of the Delaware Volunteer Firemen's Association.

(c) Paragraphs (1) and (2) of subsection (a) of this section shall not be applied with respect to any fire company in municipalities with a population greater than 50,000 as established in the official 1980 Federal Census.

6620 Reports from insurance companies; reports of investigations by Fire Commission.

(a) Each fire insurance company or association doing business in this State shall, within 30 days after the adjustment of any loss sustained by it, report to the State Fire Commission, upon forms furnished by it, such information regarding the amount of insurance, the value of the property insured and the amount of claim as adjusted,

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as in the judgement of the State Fire Commission it is necessary for it to know. This report shall be in addition to any such information required by the Insurance Commissioner.

(b) Upon the request of the owner or insurer of any property destroyed or injured by fire or explosion, or in which an attempt to cause a fire or explosion may have occurred, the State Fire Commission, upon approval of the Attorney General's Office, may make a written report to the person requesting the same of the result of the examination made by the Commission regarding the property.

6621 Injunctive relief.

The Fire Prevention Commission may in its discretion bring an action in the Court of Chancery to temporarily restrain or enjoin any act or practice which constitutes a violation of an order of the Commission or of any provision of this chapter and to enforce compliance with any order of the Commission or provision of this chapter.

6622 Residential smoke detectors - required.

Any residential building or mobile home, or any part thereof, newly erected, or with major renovations or structural alterations costing \$5,000 or more, as evidenced by a building permit, after January 1, 1983, so as to be used, either in whole or in part, as a home, residence or sleeping place for one or more persons, either permanently

or transiently, shall contain as a part of the newly erected building or of the alteration or renovation a fire detection system which automatically senses visible or invisible particles or products of combustion and activates a fire alarm sufficient to afford warning to the occupant or occupants thereof of the impending danger of fire.

6623 Same - Installation.

(a) The State Fire Marshal's Office, with the approval of the State Fire Prevention Commission, shall prepare and publish rules and regulations with respect to the

number, type and location of smoke-detecting devices.

(b) All detection systems shall be installed in conformance with the rules and regulations adopted under authority of this section.

(c) Once installed, all detection systems shall be inspected by the State Fire Marshal's Office or the agency in each political subdivision responsible for certification and approval of residential housing units prior to occupancy of any new building described in 6622 of this title.

(d) An approved automatic sprinkler system may be installed in lieu of a smoke detection system when approved by the Fire Marshal's Office.

6624 Same - Penalty.

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(a) Every owner of any building required to have smoke detectors in accordance with 6622 and 6623 of this title, or person in charge thereof, whether an individual or a body corporate, who fails to comply with 6622 and 6623 of this title shall be fined not less than \$100, nor more than \$500 for each offense. The Justices of the Peace Courts shall have jurisdiction over any violations of this section.

(b) The State Fire Prevention Commission, the State Fire Marshal or the Attorney General may, in addition to other remedies provided by this section, institute injunction, mandamus, abatement or

any other appropriate action or actions, proceeding or proceedings to prevent any continued violations of this section.

APPENDIX B

The following are National Fire Protection Standards Adopted by the Fire Prevention Commission, as cited in the various sections of this Regulation.

NFPA 1971 1991 Edition Protective Clothing for Firefighters

NFPA 1972 1987 Edition Helmets for Structural Firefighting

NFPA 1973 1988 Edition Gloves for Structural Firefighting

NFPA 1974 1987 Edition Footware for Structural Firefighting

NFPA 1901 1991 Edition Pumper Fire Apparatus

NFPA 1961 1992 Edition fire Hose

NFPA 1981 1987 Edition Breathing Apparatus for Firefighting

APPENDIX C

DEFINITIONS 2

ACTIVE FIREFIGHTING MEMBER - shall be any member who has completed at least 48 hours of Fire Service training as approved by the Commission.

ADVISORY COMMITTEE - shall mean the members of the Delaware State Volunteer Firemen's Association and the County Firemen's Association.

APPROVAL OR APPROVED - shall mean approved by the State Fire Prevention Commission.

COMMISSION - shall mean the State Fire Prevention Commission.

COUNTY FIREMEN'S ASSOCIATION (C.F.A.) - shall mean the New Castle County Volunteer Firemen's Association, Kent County Volunteer Firemen's Association, and the Sussex County Volunteer Firemen's Association.

FIRE COMPANY - shall mean an organization organized and equipped to provide fire suppression.

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FIRE COMPANY MEMBER - shall mean any individual maintained on the membership rolls of a fire company in this State and any individual whose membership is terminated for any reason from such a company less than 60 days before the filing of a grievance under Section 4.1 of the Delaware State Fire Prevention Commission Complaint and Grievance Procedure.

MAIN STATION/PARENT COMPANY - shall be any fire department which is incorporated in the State of Delaware.

NFPA - shall mean in accordance with current National Fire Protection Association Standards as adopted by the State Fire Prevention Commission.

STATE FIREMEN'S ASSOCIATION - shall mean the Delaware State Volunteer Firemen's Association, AKA D.V.F.A.

SUBSTATION - shall mean a fire station operated and controlled by a fire company at a location remote from its main station.

ADDITIONAL STATION - shall mean a fire station operated and controlled by a fire company at a location remote from its main station.